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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,143	12/21/1999	YUJI NOMURA	FUSA-16.844	3277

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EXAMINER	
FOX, JAMAL A	

ART UNIT	PAPER NUMBER
2664	15

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/468,143	NOMURA ET AL.	
	Examiner	Art Unit	
	Jamal A Fox	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12*.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *15*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 2 lines 11-14, filed 4/5/2004, with respect to the rejection(s)of claim(s) 1-17 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nomura et al., 1999 IEEE International Conference on Communications, A Policy Based Networking Architecture for Enterprise Networks.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Nomura et al., A Policy Based Networking Architecture for Enterprise Networks.

Referring to claim 1, Nomura et al. discloses a network-device control system (Figures 3 and 4) for performing priority control (Table 1) of a network device constituting a network based upon priority of a user (Fig. 3, UserPriority), said system comprising:

an event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for detecting that a user has logged in to a communication

terminal of that a user has launched a predetermined application from a communication terminal, and reporting an identifier of the user and the fact that an event has occurred (page 639, II.); and

a network-device controller (Fig. 3, Directory Server) for performing priority control of a network device based upon information reported by said event notification device; wherein

said network-device controller (Fig. 3, Directory Server) acquires priority of the user (Fig. 3, User Priority) indicated by the user identifier (Fig. 3, UserID) reported by said event notification device, obtains a network device on a communication path (page 639, IV.) between said communication terminal and an apparatus that is the destination of communication, generates information necessary to perform priority control (page 640, V.) in accordance with the user priority, and sets this priority control information in said obtained network device.

Referring to claim 2, Nomura et al. discloses the system according to claim 1, further comprising:

a database unit for storing (directory server, page 639, II.), in association with a user identifier, user information that includes the address of the apparatus that is the destination of communication and the user priority; wherein

said event notification device acquires the priority of the user and the address of the apparatus that is the destination of communication from said database unit and reports these to said network-device controller (page 639, IV.).

Referring to claim 3, Nomura et al. discloses the system according to claim 2, wherein

when the user has logged in (Log on, page 639, I.) by inputting the user identifier (Fig. 3, UserID), the communication terminal sends this user identifier (Fig. 3, UserID) and the address of the communication terminal to said database unit;

said database unit (directory server, page 639, II.) stores the address of the communication terminal in association with the user identifier; and

said event notification device detects log-in (event detection, page 639, II.) by a change in user information in said database unit, acquires the priority of the user (user priority is 5, page 639, II.), the address of the apparatus that is the destination of communication and the address of the communication terminal from said database unit, and reports these to said network-device controller.

Referring to claim 4, Nomura et al. discloses the system according to claim 2, wherein when the user has launched a predetermined application, the communication terminal sends the user identifier (user ID, page 639, I.), the address of the communication terminal and an application identifier of the application to said database unit;

said database unit (directory server, page 639, II.) stores the address of the communication terminal, the application identifier and the address of an apparatus that is the destination of communication of the application in association with the user identifier; and

said event notification device detects (event detection, page 639, II.) an application-launch event by a change in application information in said database unit, acquires the priority of the user, the address of the apparatus that is the destination of communication and the address of the communication terminal from the said database unit, and reports these to said network-device controller.

Referring to claim 5, Nomura et al. discloses the system of claim 1, wherein said event notification device includes: an event detector (Figures 3 and 4, Policy Server) for detecting that a user has logged in to a communication terminal or that a user has launched an application from a communication terminal; and an event notifier (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for notifying said network-device controller of the fact that the event occurred and of the user identifier; and said network-device controller includes: an event receiver (LDAP, Page 639, II.) for receiving notification from said event notifier; a priority acquisition unit (Table 1, Page 640, V.) for acquiring the priority of the user indicated by the received user identifier; a device selector (device discovery function, page 639, IV.) for selecting a network device which is subjected to priority control based upon the priority of the user; a device-specific information acquisition unit (Table 1, Page 640, V.) for acquiring state of configuration of the selected network device and a method of configuring the device; a configuration information generator (configuration function, page 640, V.) for generating priority-control configuration information for performing priority control of each network device based upon the acquired device-specific information and user priority; and configuration information transmitter (setting protocol, page 640, V.) for transmitting the

priority-control configuration information, which has been generated by said configuration information generator, to the selected network device to thereby set this information in this network device.

Referring to claim 6, Nomura et al. discloses the system according to claim 2, wherein a directory server (Fig. 3, Directory Server) is provided, said directory server (Fig. 3, Directory Server) being provided with said event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) and said database unit (directory server, page 639, II.).

Referring to claim 7, Nomura et al. discloses a network-device control apparatus (Figures 3 and 4) for performing priority control (Table 1) of a network device constituting a network based upon priority of a user, said apparatus comprising:

an event receiver (LDAP, Page 639, II.) for receiving an identifier of a user from an event notifier (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) when the user has logged in to a communication terminal or when the user has launched an application; means for acquiring priority of the user (Table 1, Page 640, V.), which is indicated by the reported user identifier, and the address of an apparatus that is the destination of communication by said communication terminal; a device selector (device discovery function, page 639, IV.) for selecting network devices on a path along which the communication terminal and the apparatus that is the destination of communication communicate; a generating unit (configuration function, page 640, V.) for generating information necessary to perform priority control in accordance with the user priority; and means for configuring (setting protocol, page 640,

V.) the network device with the information that has been generated by said generating unit.

Referring to claim 8, Nomura et al. discloses a network-device control system (Figures 3 and 4) for performing priority control (Table 1) of a network device constituting a network based upon priority of an application, said system comprising: an event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for detecting that a user has launched a predetermined application from a communication terminal, and reporting an identifier of the application and the fact that an application-launch event has occurred; and a network-device controller (Fig. 3, Directory Server) for performing priority control of a network device based upon information reported by said event notification device; wherein said network-device controller (Fig. 3, Directory Server) acquires priority of the application indicated by the application identifier reported by said event notification device, obtains network devices (device discovery, page 639, IV.) on a communication path between said communication terminal and an apparatus that is the destination of communication, generates information (configuration function, page 640, V.) necessary to control said network devices in accordance with the application priority, and configures each of said network device with this priority control information (Table 1, page 640).

Referring to claim 9, Nomura et al. discloses the system according to claim 8, further comprising a database unit (directory server, page 639, II.) for storing user information in association with a user identifier (user ID, page 639, I.), and application information (management policy, page 639, II), which includes the application priority, in

association with an application identifier; wherein said event notification device acquires the priority of the application from said database unit and reports this application priority to said network-device controller (Fig. 3, Directory Server).

Referring to claim 10, Nomura et al. discloses the system according to claim 9, when the user has launched a predetermined application, the communication terminal sends the application identifier and the address of the apparatus that is the destination of communication to said database unit and said database unit (directory server, page 639, II.) stores the application identifier and the address of the apparatus, which is the destination of communication, in association with the user identifier; and said event notification device detects (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) occurrence of an application-launch event by a change in the application information in the user information in said database unit, acquires the priority of the application (priority, page 639, II.), the address of the apparatus that is the destination of communication and the address of the communication terminal from said database unit (directory server, page 639, II.), and reports these to said network-device controller (Fig. 3, Directory Server).

Referring to claim 11, Nomura et al. discloses the system according to claim 8, wherein said event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) includes:

an event detector (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for detecting that a communication terminal has given rise to an application-launch event; and

an event notifier (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for notifying said network-device controller of the fact that the event occurred and of the application identifier; and said network-device controller includes: an event receiver (LDAP, Page 639, II.) for receiving notification from said event notifier; a priority acquisition unit (Table 1, Page 640, V.) for acquiring the priority of the application indicated by the received application identifier; a device selector (device discovery function, page 639, IV.) for selecting a network device which is subjected to priority control based upon the priority of the application; a device-specific information acquisition unit (Table 1, Page 640, V.) for acquiring state of configuration of the selected network device and a method of configuring the device; a configuration information generator (configuration function, page 640, V.) for generating priority-control configuration information for performing priority control of the selected network device based upon the acquired device-specific information and application priority; and configuration information transmitter (setting protocol, page 640, V.) for transmitting the priority-control configuration information, which has been generated by said configuration information generator, to the selected network device to thereby set this information in this network device.

Referring to claim 12, Nomura et al. discloses the system according to claim 9, wherein a directory server (Fig. 3, Directory Server) is provided, said directory server (Fig. 3, Directory Server) being provided with said event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) and said database unit (directory server, page 639, II.).

Referring to claim 13, Nomura et al. discloses a network-device control apparatus (Figures 3 and 4) for performing priority control (Table 1) of a network device constituting a network based upon priority of an application, said apparatus comprising:
an event receiver (LDAP, Page 639, II.) for receiving an identifier of an application from an event notification device when a user has launched an application at a communication terminal;
means for acquiring priority of the application (Table 1, Page 640, V.), which is indicated by the notified application identifier, and the address of an apparatus that is the destination of communication by said communication terminal based upon the application; a device selector (device discovery function, page 639, IV.) for selecting network devices on a path along which the communication terminal and the apparatus that is the destination of communication communicate; a generating unit (configuration function, page 640, V.) for generating information necessary to perform priority control in accordance with the application priority; and means for configuring (setting protocol, page 640, V.) the network device with the information that has been generated by said generating unit.

Referring to claim 14, Nomura et al. discloses a network-device control system (Figures 1-4) for controlling any one bandwidth (bandwidth, page 637, right column, 2nd paragraph), discard rate and delay of a network device constituting a network, said system comprising:
an event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for detecting that a user has logged in to a communication terminal

(remote client, Fig. 4) or that a user has launched a predetermined application from a communication terminal, and reporting an identifier (user ID, page 639, I.) of the user and the fact that an event has occurred; and

a network-device controller (management policy, page 637, right column, 2nd paragraph) for controlling any one bandwidth, discard rate and delay of a network device based upon information reported by said event notification device;

said network-device controller:

acquiring any one of a bandwidth value, discard-rate value and delay value conforming to the user identified by the user identifier (userID, Fig. 3) reported by said event notification device;

obtaining network devices (device discovery function, page 639, IV.) on a communication path between said communication terminal and an apparatus that is the destination of communication; generating configuration information (configuration function, page 640, V.); and configuring each of said obtained network devices device with this generated configuration information (setting protocol, page 640, V.).

Referring to claim 15, Nomura et al. discloses a network-device control apparatus (Figures 1-4) for controlling any one of bandwidth (bandwidth, page 637, right column, 2nd paragraph), discard rate and delay of a network device constituting a network, said apparatus comprising:

an event receiver (LDAP, Page 639, II.) for receiving at least an identifier of a user from an event notification device when the user has logged in to a communication terminal (remote client, Fig. 4) or when the user has a launched an application;

means for acquiring any one of a bandwidth value (management policy, page 637, right column, 2nd paragraph), discard-rate value and delay value conforming to a user identified by the notified user identifier, and the address of an apparatus that is the destination of communication by said communication terminal;

a device selector (device discovery function, page 639, IV.) for selecting a network device on a path along which the communication terminal and the apparatus that is the destination of communication communicate;

a generating unit (configuration function, page 640, V.) for generating configuration information necessary to control any one of bandwidth, discard rate and delay in accordance with said value acquired; and

means for configuring (setting protocol, page 640, V.) the network device with the configuration information that has been generated by said generating unit.

Referring to claim 16, Nomura et al. discloses a network-device control system (Figures 1-4) for controlling any one of bandwidth (bandwidth, page 637, right column, 2nd paragraph), discard rate and delay of a network device constituting a network, said system comprising:

an event notification device (Figures 3 and 4, Policy Server and page 638, *A) Event detection function*) for detecting that a user has launched a predetermined application at a communication terminal (remote client, Fig. 4), and reporting an identifier (user ID, page 639, I.) of the application and the fact that an application-launch event has occurred; and a network-device controller (management policy, page 637, right column, 2nd paragraph) for controlling any one bandwidth, discard rate and delay of

a network device based upon information reported by said event notification device; said network device-controller:

acquiring any one of a bandwidth value (bandwidth, page 637, right column, 2nd paragraph), discard-rate value and delay value of an application identified by the application identifier reported by said event notification device;
obtaining network devices on a communication path (device discovery function, page 639, IV.) between said communication terminal and an apparatus that is the destination of communication; generating configuration information (configuration function, page 640, V.) necessary to control any one bandwidth, discard rate and delay in accordance with the value acquired; and configuring each of said obtained network devices with this generated configuration information (setting protocol, page 640, V.),

Referring to claim 17, Nomura et al. discloses a network-device control apparatus (Figures 1-4) for controlling any one of bandwidth (bandwidth, page 637, right column, 2nd paragraph), discard rate and delay of a network device constituting a network, said apparatus comprising: an event receiver (LDAP, Page 639, II.) for receiving an identifier of an application from an event identification device when a user has a launched an application at a communication terminal (remote client, Fig. 4);

means for acquiring any one of a bandwidth value (management policy, page 637, right column, 2nd paragraph), discard-rate value and delay value conforming to an application identified by the reported application identifier, and the address of an apparatus that is the destination of communication by said communication terminal based upon the application;

a device selector (device discovery function, page 639, IV.) for selecting a network device on a path along which the communication terminal and the apparatus that is the destination of communication communicate;

a generating unit (configuration function, page 640, V.) for generating configuration information necessary to control any one bandwidth, discard rate and delay in accordance with the value acquired;

and means for configuring (setting protocol, page 640, V.) the network device with the configuration information that has been generated by said generating unit.

Conclusion

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

Jamal A. Fox

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